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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

Case No. 2:14-CR-299 JCM (CWH)

8 Plaintiff(s),

ORDER

9 v.

10 DANIEL PARLIN, et al.,

11 Defendant(s).
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13 Presently before the court is the matter of *United States v. Parlin et al.*, case number
14 2:14-cr-00299-JCM-CWH-5.

15 On May 18, 2016, the court sentenced defendant Erica Steffens to 188 months of custody
16 to be followed by three years of supervised release for conspiring to distribute controlled
17 substances. (ECF Nos. 170, 175). On May 14, 2019, the federal bureau of prisons (“BOP”) sent
18 a letter to the court regarding defendant’s term of custody.

19 The letter explained that on June 16, 2016, the State of Nevada sentenced defendant to a
20 12 to 48-month term of custody for obtaining and using personal identification information of
21 another in case number C-16-311836-1. The letter also explained that on July 12, 2016, the State
22 of Nevada sentenced defendant to a 12 to 48-month term of custody for forgery in case number
23 C-14-299387-1, to be served concurrently with the sentence in C-16-311836-1. The BOP
24 represents that it obtained information indicating that the state court intended both sentences to
25 run concurrently with defendant’s federal sentence.

26 The BOP requests that the court indicate whether the defendant’s federal sentence is to
27 run concurrent or consecutive to defendant’s state custody. Generally, a federal court cannot
28 order a sentence to run concurrently or consecutively with a term of custody that has not already


1 been imposed at the time of sentencing. *United States v. Montes-Ruiz*, 745 F.3d 1286, 1290 (9th
2 Cir. 2014). However, this rule does not apply to state sentences which state courts have not yet
3 imposed at the time sentencing. *Id.* (citing *Setser v. United States*, 566 U.S. 231, 244 (2012)).
4 Thus, because the terms of custody at issue are state sentences, the court has discretion to order
5 defendant's federal sentence to run concurrent or consecutive to those state sentences. *See id.*

6 The court considers the nature of defendant's offense, facts disclosed in the presentence
7 investigation report, and the state court's intentions. To ensure that the punishment in this case is
8 not greater than necessary to address the seriousness of the crime and to deter criminal conduct,
9 defendant's federal sentence shall run concurrently with defendant's state sentences. *See* 18
10 U.S.C. § 3553(a).

11 Accordingly,

12 IT IS SO ORDERED.

13 DATED May 28, 2019.

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16 UNITED STATES DISTRICT JUDGE
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